

US Serial No. 09/737,908

Attorney Docket No. C059-03 US

REMARKS**Amendments to the Claims**

Claims 3-30, 32, and 33 are pending in the present application. Claim 32 has been amended to make the claim clearer. Support for amended claim 32 can be found in Table I of the specification on page 56. The amendment does not introduce new matter.

Provisional Obviousness-Type Double Patenting Rejection

Claim 3 stands provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 1 of co-pending United States patent application 11/121851.

Applicants enclose a terminal disclaimer which obviates this ground of rejections.

Rejections under 35 U.S.C. § 112, second paragraph

Claim 32 is rejected under 35 U.S.C. § 112, second paragraph as being indefinite for failing to point out and distinctly claim the subject matter which the applicant regards as the invention.

The Office Action states that by analogy to what is cited in claim 13, substituents R, R¹ and R² are inferred in claim 32, but not made clear in claim 32. Applicants have amended claim 32 to expressly refer to R, R¹ and R² in claim 32.

Accordingly, for the foregoing reasons, applicants respectfully request reconsideration and withdrawal of the rejections under 35 U.S.C. § 112, second paragraph.

Applicants respectfully request that this Amendment under 37 C.F.R. § 1.116 be entered by the Examiner, placing claims 3-30, 32 and 33 in condition for allowance. Applicants submit that the proposed amendment of claim 32 does not raise new issues or necessitate the undertaking of any additional search of the art by the Examiner, since all the elements of the claim were claimed earlier in the claims as examined. Therefore this amendment should allow for immediate action by the Examiner.

Applicants also submit that the entry of the amendment would place the application in better form for appeal, should the Examiner dispute the patentability of the pending claims.

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CONCLUSION

For the reasons presented above, Applicants respectfully request reconsideration and prompt allowance of all pending claims. A Petition for Extension of Time is enclosed. Please deduct the fee for the Petition and apply any other charges or credits to Deposit Account No. 50-1986, referencing attorney docket number C059-03 US.

Respectfully submitted,

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